

# Exhibit 28

## September 11

The worst international terrorist attack ever—involving four separate but coordinated aircraft hijackings—occurred in the United States on September 11, 2001. The 19 hijackers belonged to the al-Qaida terrorist network. According to investigators and records of cellular phone calls made by passengers aboard the planes, the hijackers used knives and boxcutters to kill or wound passengers and the pilots, and then commandeer the aircraft, which the hijackers used to destroy preselected targets.

- Five terrorists hijacked American Airlines flight 11, which departed Boston for Los Angeles at 7:45 a.m. An hour later it was deliberately piloted into the North Tower of the World Trade Center in New York City.
- Five terrorists hijacked United Airlines flight 175, which departed Boston for Los Angeles at 7:58 a.m. At 9:05 the plane crashed into the South Tower of the World Trade Center. Both towers collapsed shortly thereafter, killing approximately 3000 persons, including hundreds of firefighters and rescue personnel who were helping to evacuate the buildings.
- Four terrorists hijacked United Airlines flight 93, which departed Newark for San Francisco at 8:01 a.m. At 10:10 the plane crashed in Stony Creek Township, Pennsylvania killing all 45 persons on board. The intended target of this hijacked plane is not known, but it is believed that passengers overpowered the terrorists, thus preventing the aircraft from being used as a missile.
- Five terrorists hijacked American Airlines flight 77, which departed Washington Dulles Airport for Los Angeles at 8:10 a.m. At 9:39 the plane was flown directly into the Pentagon in Arlington, Virginia, near Washington, D.C. A total of 189 persons were killed, including all who were onboard the plane.

More than 3000 persons were killed in these four attacks. Citizens of 78 countries perished at the World Trade Center site. "Freedom and democracy are under attack," said President Bush the following day. Leaders from around the world called the events of September 11 an attack on civilization itself.



*Rescue helicopter responded to attack near Washington, D.C. on September 11 after hijacked American Airlines Flight 77 crashed into the Pentagon, killing 189 persons, including all aboard the aircraft.*

The coordinated attack was an act of war against the United States. President Bush said in a 20 September 2001 address to a joint session of Congress: "Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated."

Virtually every nation condemned the attack and joined the US-led Coalition to fight terror on several fronts: diplomatic, economic, intelligence, law enforcement, and military. Operation Enduring Freedom, the military component of the Coalition, began on 7 October. The first targets were the al-Qaida training camps and military installations of the Taliban regime in Afghanistan. Islamic extremists from around the world—including North America, Europe, Africa, the Middle East, and Central, South, and Southeast Asia—had used Afghanistan as a





*Emergency and law-enforcement personnel investigate the crash site of hijacked United Airlines Flight 93 which crashed in Stony Creek Township, Pennsylvania, killing all 45 persons on board.*

training ground and base of operations for worldwide terrorist activities.

Within months, the Taliban was driven from power, and nearly 1000 al-Qaida operatives were arrested in over 60 countries.

At year's end, the war continued to be waged on all fronts and was certain to last well into the future.

### **Review of Terrorism in 2001**

Despite the horrific events of September 11, the number of international terrorist attacks in 2001 declined to 346, down from 426 the previous year. One hundred seventy-eight of the attacks were bombings against a multinational oil pipeline in Colombia—constituting 51 percent of the year's total number of attacks. In the year 2000, there were 152 pipeline bombings in Colombia, which accounted for 40 percent of the total.

A total of 3,547 persons were killed in international terrorist attacks in 2001<sup>2</sup>, the highest annual death toll from terrorism ever recorded. Ninety percent of the fatalities occurred in the September 11 attacks. In 2000, 409 persons died in

terrorist attacks. The number of persons wounded in terrorist attacks in 2001 was 1080, up from 796 wounded the previous year. Violence in the Middle East and South Asia also accounted for the increase in casualty totals for 2001.

In addition to the US citizens killed and injured on September 11, eight other US citizens were killed and 15 were wounded in acts of terrorism last year.

- Ronald Sander, one of the five American oil workers kidnapped in Ecuador in October 2000, was killed by his captors—an armed gang led by former members of a Colombian terrorist group.
- On 9 May, two teenagers were stoned to death in Wadi Haritun cave near Teqoa (Israeli settlement) in the West Bank. Yaakov Nathan Mandell was one of the youths killed. A claim of responsibility for this attack was made in the name of "Palestinian Hizballah."

<sup>2</sup> In the absence of a final official total from New York City authorities, we are using 3,000 as the number of persons killed in the World Trade Center attacks.



*The World Trade Center's South Tower begins to collapse. Estimates were that each jet was carrying approximately 60,000 pounds of jet fuel and traveling at 300 miles per hour when they crashed into the Towers.*

- Guillermo Sobero, one of three US citizens in a group of 20 persons kidnapped on 27 May from a resort on Palawan Island in the southern Philippines by the Abu Sayyaf Group, was subsequently murdered by his captors.
- On 29 May in the West Bank, militants fired on a passing vehicle, killing two persons, including US citizen Sara Blaustein. Two other US citizens were injured in the ambush. The Al-Aqsa Martyrs Brigade claimed responsibility.
- On 9 August in Jerusalem, a suicide bomber walked into a busy downtown restaurant and detonated a 10-pound bomb that he was wearing, killing 15 persons and wounding 130 others. Among the fatalities were US citizens Judith Greenbaum and Malka Roth. Four other US citizens were injured in the explosion. HAMAS claimed responsibility for the attack.
- On 6 October in al-Khobar, Saudi Arabia, a terrorist threw a parcel bomb into a busy shopping area, killing Michael Jerrald Martin, Jr., and wounding five other persons, among them two US citizens.
- On 4 November, Shoshana Ben Yashai was killed in a shooting attack in east Jerusalem near French Hill. The assailant was also killed in the attack, which was claimed by Palestine Islamic Jihad.

# Exhibit 29



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ARNOLD ROTH, et al. )  
 )  
 v. ) Civil Action No.: 1:11-cv-01377 (RCL)  
 )  
 ISLAMIC REPUBLIC OF IRAN, et al. )  
 )  
 \_\_\_\_\_ )

**DECLARATION OF ARNOLD ROTH**

I, ARNOLD ROTH, under penalty of perjury under the laws of the United States of America, declare upon personal knowledge that:

1. I am an adult of sound mind, over twenty-one (21) years of age and make this statement under penalty of perjury based on my own personal knowledge.

2. I am the natural father of Malka Roth, whom we called Malki in the family. (I refer to her as Malki in this declaration.) Malki's life ended in a terrorist massacre on August 9, 2001 when a human bomb dispatched by the terrorist organization Hamas exploded in the Sbarro restaurant, located at that time in the center of Jerusalem, Israel, at one of its busiest intersections. Malki and her close friend Michal Raziell, a girl of the same age who lived in the building adjoining ours, were two of the fifteen people, most of them children, murdered in that attack. 130 others were injured, dozens of them grievously. A young mother, wheeling her two year-old child, was left unconscious and has remained in that state through all the years; hers is the sixteenth life forfeited that day.

3. At the time of her death at age 15, Malki was a United States citizen. I serve as the co-Administrator of the Estate of Malka Roth, together with my wife Frimet Roth.

4. I was born on [REDACTED] 1952 in Melbourne, Australia.

5. I am a citizen of Australia and Israel.

6. I live in Jerusalem, Israel with my wife Frimet Roth. We have six remaining children all of whom live in Jerusalem, Israel.

7. Since the murder of my daughter, Malki, my wife and I have struggled to cope with the emotional impact that her death, its horrific circumstances, and the loss of the joy she brought into our lives, has had on us, on our marriage and on all the members of our family. This is an ongoing process the details of which are not well known outside the immediate circle of those experiencing it which is of course as it should be.

8. Though I am very careful not to compromise the privacy of my family's life and those of my children and my wife Frimet, I often speak publicly about the devastating loss of Malki's life and about the very positive work of the active charity – called Keren Malki, or The Malki Foundation – that my wife and I founded in Malki's name in 2001, just a few weeks after Malki was murdered. Neither of us has ever taken an executive role or a paid position with The Malki Foundation. As unpaid volunteers, I am its chairperson and Frimet is the head of the committee that reviews applications by families of children with special needs. Our involvement in its work is, for me at least, therapeutic and helpful to my own state of mind. The Malki Foundation has a small team of paid professionals who manage its operations on a full-time basis.

9. I am a confident speaker and write often in public forums and on the op ed pages of newspapers, and in a blog – entitled “This Ongoing War” [thisongoingwar.blogspot.com] – that my wife and I have written jointly over the past eight years. Though we do that, it remains almost unbearably difficult for me to speak about the impact of losing Malki and of the pain of life in the shadow of her murder. Even today, making speeches that involve mentioning Malki's name or the contours of her life frequently leave me with a debilitating headache and the effects of migraine (occasional temporary loss

of vision, in addition to the more conventional headaches). The same effect sometimes happens when I write about her life and its awful end.

10. The members of our immediate family are close. We spend time together often, even more now that four of our children are happily married and there are grandchildren whose company we cherish.

11. To the extent we have reached out to the media, and allowed them into our lives, it has been to achieve specific objectives: to help outsiders understand the bitterness of being afflicted by the remorseless hatred of the Islamist terrorists; to help people far from Israel understand how much at risk they and their societies are – usually without realizing this – because of a failure to grasp what Hamas and the many organizations that share its Islamist and jihadist values seek to do; to ensure Malki's death is never allowed to be a mere statistic. The tragedy that came upon us is of the kind that constantly seeks fresh victims, and we see ourselves having a role in sounding the alert. We want other people, other families, other communities, to be spared the bitter and tragic experiences that have turned our lives as individuals and as a family so completely upside down. I have voluntarily spoken to public figures, politicians, diplomats, journalists and ordinary people on hundreds of occasions, addressing and interpreting for them what terrorism has done to us and how it threatens them. I spoke in the name of the State of Israel at a United Nations special conference in 2008 devoted to understanding terrorism's victims; in addressing the plenum, I chose to speak directly to Malki, and had a vivid and painful image of her in my head as I spoke. I held her portrait in my hand, placed in front of me, as I spoke. Though some may think of this as cathartic, it did not feel that way, and never has. Bringing Malki to mind, and especially in the presence of people who plainly fail to empathize with the tragedy that her death represents (and in specific cases, sympathize heart and soul with her killers) is never easy or pain-free for me.



12. Malki's death has forced me to dwell privately on painful questions of theology and justice. I am the child of parents who barely survived the Nazi Holocaust of the Jewish people, while losing their parents, their siblings, their homes, their youth, their education and the possibility of professional training, and their enjoyment of life. My parents were practical people who, along with most other members of their cohort in Melbourne's small post-war Jewish community, devoted themselves to re-establishing their lives and livelihoods in a distant land while ensuring the best possible opportunity in life for their children. The values they imparted to us were positive, optimistic and tolerant, and devoid of self-pity. If they were troubled by philosophical issues of why bad things happen to good people, they gave no sign of it. Despite their inspiration, I have found myself deeply troubled by the fate that was visited on a child whose life was distinguished by the great good she did and the happiness she spread. The questions that Malki's murder posed to those who loved her weigh heavily on me.

13. I cannot shake off the pervasive sense of guilt for having failed her by not preventing her violent death.

14. The beauty of Malki's life was exemplified by the music she created. She was a gifted musician who played the classical flute brilliantly and movingly, and taught herself to play the guitar. In her last year of life, she composed a song – both the words and the music – for a competition in her school. Like many other 15 year olds, she must have thought she had all the time in the world - and missed the deadline for the competition. She kept the existence of *Shir Lismo'ach* ("A song of joy", but better known today as "*Malki's Song*") a secret. My wife and I first learned about it, and heard it, only when a small group of Malki's classmates came to our home during the seven days of mourning prescribed by Jewish tradition – the *Shiva* – and sang it for us. Numerous versions have since been recorded by some of Israel's leading musical figures and can be heard and downloaded on the website

[www.kerenmalki.org] we created in Malki's memory. Malki's Song has come to be widely appreciated as part of the legacy left behind by a young woman whose life was filled with selflessness, joy and the excitement of reaching out to help the less fortunate and in particular children with severe disabilities. In a small way, it captures the inspiration of Malki's life. But in doing that, it is an exquisitely painful reminder of what those who knew and loved her lost when her life was stolen from us, and from her.

15. It is easy for me to imagine Malki growing to become a beautiful woman, wife, mother, and activist for the interests of children and adults with special needs. Hers would surely have been a life accompanied by beautiful music of the kind one can hear as well of the kind that can be sensed within the personality and spirit of another person.

16. Four of our seven children are now married. Two of them chose to give the name Malka to the first of their children, our grand-daughters; it will not surprise me if other grandchildren yet to come are named in ways that remind us of Malki. It is a source of enormous comfort to see the pride that [REDACTED], now 6, takes in being named for her father's little sister, and in the stories she has heard about Malki's life. A portrait of Malki is on the wall above her bed. Her cousin [REDACTED] is just 2 but has the verve and energy that were so evident in her mother's older sister's life.

17. While the circumstances of Malki's death were only made known to us in a general way via media reports of the horrific attack on the Sbarro pizza shop, we acquired a more detailed understanding of its facts by gaining access to the court records of the trial of several of the individuals who participated in the massacre. We know that, on August 9, 2001, Malki and her lifelong friend, Michael Raziell, stopped for lunch at the Sbarro shop on their way to a meeting of youth group leaders of the Ezra organization. Ezra's annual summer camp was set for the following week. Malki and Michal were both young but experienced leaders, each with her own group of nine- and ten-year-old girls. In Malki's case, most of

those girls were recently arrived from the former Soviet Union and forced by circumstances to confront social, familial and educational challenges for which life had not yet prepared them well. We now know (from speaking with them later) what a large contribution Malki's sensible advice, her welcoming and nurturing personality and her infectious optimism made to the ability of these little children to cope and thrive. It is unlikely these considerations were on the mind of *the human bomb*, a young fanatically-religious man from a well-off Palestinian Arab family from the Jenin area, or of the young Jordanian woman who planned the killings, selected the bomb site (mainly, as she has said on the record, for the fact that it attracted large crowds of religiously-observant Jewish teenagers) and executed the terror attack. It is not well known, but a cause of great pain to us, that that young woman – reputedly the first female to have been recruited into Hamas – who brought the human bomb to the site she selected had a highly public day job as the principal news reader on official Palestinian Authority Television. (A video screen capture of her presenting the news that evening can be seen online <http://thisongoingwar.blogspot.co.il/2012/06/10-jun-12-prime-minister-netanyahu.html> ) It was she who triumphantly pronounced the news of that afternoon's mass killing of Israelis, most of them children, in central Jerusalem, giving her viewers no sense that the actual perpetrator of the terrorist outrage and the carnage it caused was the news reader herself.

18. This unspeakably evil woman can be seen in numerous on-line videos expressing with visible joy the pride she takes in the killings of Malki and the other victims. She has repeatedly asserted that she will do the same again when she can, and she openly encourages others to emulate the massacre she engineered and executed.

19. She was convicted on multiple counts and sentenced on October 23, 2003 to 16 consecutive terms of life in prison by an Israeli court. The judicial panel of three judges took the trouble to say “*We reject the request of counsel for the accused for only a single life*



*sentence. Let the normal pleasures of life, therefore, be denied the accused until the time of her death behind bars... Before signing this judgment, we find it appropriate, in the spirit of the military prosecutor's request, to recommend that the guilty party not be eligible for pardon by the military commander, nor to early parole by any other means."* The court's recommendation was ignored when the government of Israel entered into a transaction with the terrorists of Hamas that led to the release of an Israeli hostage, Gilad Shalit, in 2011. Though my wife and I campaigned for more than five years to have the name of our daughter's principal murderer removed from the walk-free list, walk free is what the still-young woman did in October 2011. Our failure to prevent this, along with the woman's manifestly unjust freedom and the bogus 'hero' status that accompanied it and that has grown steadily as the status of Hamas has grown in large swathes of the Arab and Islamic world, have added immeasurably to the agony felt by all the members of my family, and in particular by my wife and me.

20. A year later, we endured a further stage in that unfolding agony as we tried without success to prevent the woman from being united with her cousin to whom she had become engaged while both were behind Israeli bars serving life terms for murder. The male cousin too had walked free in the 2001 Shalit transaction. And a year later, despite the explicit conditions of the commutation of his sentence preventing such an outcome, he was permitted by the Israeli authorities to cross over into Jordan where the two unrepentant murderers were triumphantly married. An article at [http://www.jns.org/latest-articles/2012/6/17/fallout-from-shalit-deal-continues-to-divide-israelis.html#.VANts\\_mSyoM](http://www.jns.org/latest-articles/2012/6/17/fallout-from-shalit-deal-continues-to-divide-israelis.html#.VANts_mSyoM) provides the details of how this happened, and the increasingly stressful efforts we made to try to prevent it. It does not, however, convey at all the debilitating sense of failure, of deep sadness and grief, and of unbearable injustice that once again descended onto Frimet and me.

21. The events of August 9, 2001, when Malki was killed, are deeply etched in my memory. I was at the time the chief executive of a drug development company. We had recently secured a major contract to work with Novartis, one of the world's largest drug makers. I had a full afternoon of telephone conference calls scheduled for that day, starting at about 7:00 am, Eastern time, with people at Novartis and other parties. Minutes before the first of those calls, my wife phoned and screamed into the phone to say there had just been a devastating explosion in the center of Jerusalem and that she had not managed to reach any of our children by phone. It was a brief call; I can only remember it in vague terms, but recall telling her to stop worrying and to give the phone network a chance to recover from the major hit it always took when a terror attack happened. The Arafat War, sometimes called the Second Intifada, had been raging since the previous September, and while Jerusalem had been mostly spared, awful terror attacks had happened in the previous weeks, and it was well known that cell phone reception was one of the first casualties. In the course of the next 90 minutes, my wife and I spoke several more times. Our three sons, all of them older than Malki, had all checked in by phone to assure us they were well, and our other daughters – all of them younger than Malki – were accounted for, and safe and well. Then Frimet phoned me again to say she was frantic with worry about Malki, could not bear staying home any longer and felt an overpowering need to get out and try to find Malki. She intended to go to one of the Jerusalem hospitals. Our youngest daughter, Haya, who is severely disabled after a medical accident when she was a year old, would be left alone at home; I told Frimet I would cancel my calls and come home right away to look after Haya. The hours that followed are a blur. Frimet's search failed to turn up any sign of Malki and Frimet came home together with our son Shaya, as did all our other children. (Shaya had started his national service in the IDF just a day earlier.) We sat together praying and periodically phoning hospital emergency rooms and friends during the increasingly tense afternoon, evening and night hours, hoping

for any sign of our Malki. A call around 11:00 pm, nine hours after the human bomb attack, said a girl fitting Malki's age and build was on the operating table at Jerusalem's Hadassah Medical Center in Ein Karem. I drove there with a friend and neighbor, Prof. Jerry Lafair, who was a department head in the same hospital. It turned out that the girl was not Malki. But the scene in the hospital emergency room – hours after the attack – hit me like something drawn from Dante's *Inferno*. I recall trembling with anxiety and with the sense of desperately painful events overwhelming me. Jerry followed several other leads within the hospital, one to a child described as "a dead girl" in one of the side rooms, another to a badly injured girl awaiting surgery. But we did not find Malki there. Close to midnight, one of the hospital social workers, evidently sizing up the situation, approached me and said I would need to travel down to the Tel Aviv area and search at the Abu Kabnir forensic medicine center in Yafo. She would provide a social worker from her team to go along, and would give support in other ways. I said I felt it would be better for me to go back home and be with Frimet who I knew was suffering terribly both from the uncertainty and the growing reality of inexpressible doom, as well as the need to care for our youngest child. I asked my two oldest sons, Pinchas and Shaya, if they would undertake the mission and go to Abu Kabir; they agreed and left soon after with a social worker in a taxi cab. At 2 o'clock in the morning, twelve hours after our search began, it ended when Shaya phoned me from Abu Kabir and said they had found their sister. Her remains had evidently been taken there hours before and – as best as I can remember the interpretation we were given – were somehow overlooked. Frimet became hysterical as she realized from my facial expression what I was hearing on the phone, and she fled into the night with two of our neighbors following behind to keep her safe. The hours that followed were long and more difficult than I can express. We buried Malki later on that oppressively hot and tragic Friday, the last funeral of the fifteen victims of



the jihadist savagery the previous day. The mourning process began then for us, and has continued for years.

22. Dealing with the grief of bereavement after Malki was murdered has involved a great deal of introspection, reading, psychological counselling, seeing doctors and meeting with other parents in support group settings of different kinds. Like us, thousands of Israeli families have had to find ways to pull their lives together and find comfort in whatever aspects of their lives can offer that. It was clear to me right from the outset that there was never a single template for how to cope. Everyone brings his or her own personality and history to the task, and some seem to get to a measurable outcome faster than others.

23. Though I hesitate to wrap things up in such a simplistic way, no matter how difficult the process is, it was all the more so for us because of the need to keep coping in parallel with the acutely challenging needs of another child – our youngest, Haya Elisheva – whose constant illness, profound and almost total disabilities, unknown prognosis and almost zero progress were and remain a huge drain on the energy and resources of my wife and me. Needless to say, our other children – while thankfully never nearly as damaged as their youngest sibling – all had their own needs and their own calls on our attention and resources. Though these were sometimes quite complex and far from easy to manage or even to attend to, Haya's disabilities and the extremely complex nature of her undiagnosed syndrome added hugely to our burden, and have actually never gotten lighter over the years. I want to make as clear as I can that it is my wife Frimet, far more than I, who bears the vast bulk of that burden. But as her supporter and helper in a myriad of ways, I feel it is important to say that this too has been hard for me.

24. Malki was born just two years before we made *aliyah* – the Hebrew term for moving to Israel – in order to raise our growing family in the place in which our people yearned for generations to live. Those years were filled with activity, as were our first years

in our new home in Jerusalem and my first years carving out a new career in a new land. The preoccupations of my life in those years kept me too busy – at least in my own mind – to spend enough time with my wife and children. It is painful for me to own up to the fact that I spent less time with Malki than I had with her older brothers and her younger sisters after her death. While it was happening, I remember wishing I had gotten closer to her, and then it was too late to wish. Looking back, I feel deeply sorry that I had not gotten to know Malki better. It is a sense that troubles me deeply to this day. I can say with total conviction that I admired Malki greatly. I love classical music, and had huge enjoyment from the opportunities to hear her solo classical flute performances. In her fifteenth and last year, I used to drive her on Friday afternoons to the bus stop on the edge of Jerusalem from which she would depart in order to get to another city (Maale Adumim) with her fellow Ezra youth group leaders where they would spend the Sabbath day pursuing their leadership roles. I felt great pride at the principled selflessness that was so evident in her activities and passions.

25. What sort of future might Malki have made for herself, had she lived? My sense of her passion, vitality, intelligence and emotional maturity leads me to feel her life would have been one of accomplishment and impact. Her brothers and sisters, all of whom share aspects of Malki's personality, have reached their twenties and thirties, and the trajectories of their lives and their educational attainments provide indications of how Malki's life might have looked. One has a doctorate in history and Jewish law, and is married to a woman who has a doctorate and a career in teaching. They have three children. The next is an architect; he and his wife became first-time parents three months ago. The next is half-way through a doctoral program in brain science. He is engaged in advanced research into aspects of human vision; his wife has almost completed a doctorate in clinical pharmacology; their first child is due in a month. The next is in the fifth year of a degree in dental science, and has

a child of 2. The next has just completed her matriculation and will shortly commence university studies. My wife completed studies in law, and so did I.

26. In addition to my claim, I also am the natural parent and guardian of [REDACTED] a minor. Haya (we call her that) is the natural born youngest sibling of Malka.

27. Haya was born on [REDACTED] 1995 in Jerusalem, Israel, seven years after her oldest sister Malki was born.

28. Haya is a citizen of the United States and Israel. A copy of her United States passport is attached as Exhibit A. Haya lives with my wife and me in Jerusalem, Israel. She was seriously injured in a medical accident in the first year of her life. She has been hospitalized numerous times, and was in critical condition at one point in her second year of life. She is totally dependent on us for every aspect of her life and care. She is blind, profoundly retarded, brain damaged, subject to a pervasive and aggressive seizure condition that has so far proven resistant to every form of drug and non-drug therapy. She has no communication with the world other than the ability taught to her by my wife, Frimet, to signal *yes* and *no* via subtle movements of the index finger of one hand.

29. Malki adored Haya, her little sister. Malki often slept in the pediatric ward at Shaarei Zedek Medical Center when her mother did, because of the need to be close to her hospitalized little sister. When Haya was at home, and Malki returned from long days of school followed by youth group activity, she always found time to sit with Haya, to speak to her or to sing to her, and to carry her to bed with her, holding her close so that Haya would know the pleasure of being close to someone who loved her unconditionally even though she was unable to give any sign of that appreciation.

30. In ways that reflected how a young child, and then a young teenager, responded to the challenges of having a very disabled little sister, Malki wrote of her feelings



and experiences. A copy of an extraordinary article entitled "Never Lose Hope!", written by Malki when she was a sixth-grader and published in the American magazine "Exceptional Parent", is attached as Exhibit B. The optimism and faith she expresses there cannot fail, I think, to move even the most hardened reader. The same magazine published a tribute to Malki after she was murdered; it appeared in the December 2001 edition under the title: "A mother writes: In memory of Malka Chana", and is attached as Exhibit C.

I, Arnold Roth, declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on this the

*fourth*

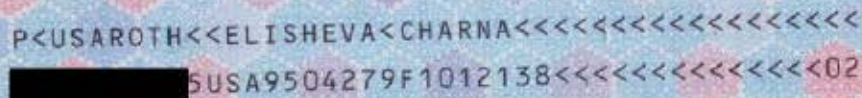
day of

*September* 2014.



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Arnold Roth





## Exhibit B

## CHILDREN'S PAGE

## Never Lose Hope!

by Malki Roth

**M**y name is Malki Roth. I am in the sixth grade in school. It is called "Noam Ramot." In Hebrew, noam means "pleasantness," and it's from a verse in Proverbs: "Its ways are ways of pleasantness and all its paths are peace." Ramot is the name of our neighborhood in the northern

responding on the inside. I am sure that when she has a fun time, she laughs in her heart.

These last few days, Haya-Elisheva has been convulsing non-stop and my mother has been very worried. Last night, my mother said, "I saw our neighbor outside two days ago." Then she started to cry.



Haya-Elisheva (right) celebrates with her brother Zvi (left) at his bar mitzvah.

suburbs of Jerusalem, Israel. I live there with my parents, three older brothers (Pinchas, 19; Shaya, 16; Zvi, 14) and three younger sisters (Rivka, 8; Pesi, 4; and Haya-Elisheva Charna, 2). I am the sandwich in the family!

Haya-Elisheva has quite a lot of problems. She has Lennox-Gastaut syndrome and is severely mentally retarded. She is a lovely sister. I love reading stories to her and cuddling up with her. Although she does not respond on the outside, I know she is

Our neighbor is one-and-a-half-years old and she is normal—that is why mother broke up.

In the last few days, Haya also lost



Malki (right) loves holding Haya-Elisheva.

all her skills dramatically. She used to be able both to sit and stand as long as she was supported. She also knew how to drag herself on the floor (with a little help), but now it seems like she forgot how you are supposed to do all these things.

In conclusion, I want to say to all of you that are reading this right now: You are not allowed to lose your hope, because maybe a miracle will happen. DO NOT LOSE HOPE!

### Mom and Dad's turn

*"The experience of growing up alongside a sibling with special problems has created within all our children a sensitivity to the needs of special kids and their families," says Malki's father, Arnold. Her mother, Frimet, adds, "Malki, for example, also volunteers to help care for a friend's four-year-old boy with Carnahan's disease—a rare, degenerative, genetic disease. Fortunately, Malki's innate 'joie-de-vivre' has not been diminished. She enjoys a hectic social life and loves arts and crafts."*

The Children's Page welcomes contributions from children with disabilities, their siblings and their friends. Be creative! Send your stories, photos and artwork to: Children's Page, Exceptional Parent, 555 Kinderkamack Road, Oradell, NJ 07649-4547.



Exhibit C

# A Mother Writes

## *In Memory of Malika Chana*

by Frimet Roth

Since August 9, 2001, when a Palestinian Arab suicide bomber snuffed out her life, talking about my Malki is all that I can do for her. Helping her was something I so enjoyed; the opportunities were usually limited, so I looked for the little things I could do for a very independent young woman.

By contrast, the help she gave me was always large-scale. Malki could calm down her 8-year-old sister when she became irate or rebellious. They'd chat a while, then Malki would present me with a cooperative little girl eager to brush her teeth, finish her homework or do whatever it was I'd been insisting upon in vain. When I would collapse on the couch after an exhausting day, Malki appeared at my side with my pillow and blanket, and gently settled me down.

When my husband would phone home from one of his overseas business trips, Malki would first ask him how he was feeling and how his meetings were panning out. Only then would she inquire about the items she'd asked him to buy her. If she were spending some time downtown, she would call home and offer to do errands for me.

Malki had a unique relationship with our youngest child, Haya-Elisheva, 6, who has global and profound retardation and a complex form of epilepsy called Lennox-Gastaut syndrome. When Haya was hospitalized a few years ago, Malki spent many hours at her side, giving me a short break or simply keeping me company. She alerted me that Haya had been hooked up to the wrong IV drip. She was the first to notice a croupy cough that needed antibiotics. As a result of Malki's competence, I grew to lean on her—perhaps more than I should have. Once Haya's condition stabilized somewhat, I made a great effort to normalize our family life, and Malki's contacts with Haya became more pleasurable. On those rare occasions when she was home relaxing, she would sit with Haya in her lap. At night, Malki often took Haya into her



Mom Frimet (r.) and Malki

bed and slept beside her. She was the only family member besides me who was capable of feeding Haya.

Despite the challenges, Malki developed into a wholesome, active teenager. Her ability to see the bright side of things, to concentrate on the "half-fullness" of the cup, became her trademark. Many of her close friends have written to tell us how Malki constantly inspired them to fight despondence, be happy, utilize every moment for fun but worthwhile activities.

At school, Malki gravitated towards the group of girls with learning disabilities who study in a separate, parallel class. She developed genuine friendships with them and urged her teachers to include those girls more frequently in activities with the other students. Two weeks before her death, Malki

volunteered with a girlfriend at a sports camp for children with disabilities. During the five days she was there assisting the counselors, Malki's gentle, caring way touched everyone. Many of the people associated with the group traveled long distances to comfort us during the *Shiva* (mourning period), and told us incredible stories about Malki.

One of the counselors who had supervised her remembered the group discussion that he had held with the volunteers on their last night at the camp. He asked each of them to share what they viewed as the most important feature of their participation. Everyone emphasized the importance of, and satisfaction gained from, giving to others. Malki was the last to speak. We were told that she spoke glowingly of what she had gained—of the happiness she had experienced in working with the children.

In autumn 2000, just before the Jewish New Year (*Rosh Hashanah*), Malki and her friends—at the behest of the leader of their youth movement—wrote personal letters addressed to G-d, in which they expressed their prayers and requests for the upcoming year. They gave the letters to the group leader in sealed



# The Malki Foundation

by Arnold Roth

envelopes, intending to open them and read them aloud the following year. I was given Malki's sealed letter during the *Shiva*; I read it through a torrent of tears. Malki prayed for success in school and as a counselor in her youth movement. She added the hope that our family would remain close and supportive of one another. Her request for Haya was particularly striking: not for a miracle, a cure or even a dramatic improvement. Malki asked only that Haya learn to somehow convey to us which of our actions please and which disturb her.

It is particularly important to us that Malki be remembered by the Exceptional Parent community, because she enjoyed the magazine so much. From the time we began to receive it through a friend, she was an avid reader. For Malki, this was particularly demanding. Though she was born in Melbourne, Australia in November 1985, English had become her second language and her pleasure reading was exclusively Hebrew. She was simply so enticed by the sensitive writing about



children with disabilities that she gamely took on the linguistic challenge. When she was 11, Malki's own sensitivity and her unquenchable optimism were evident in the article she wrote for the Children's Page of *Exceptional Parent* (July 1997; see picture above).

People have told us that our precious memories will eventually bring comfort, but at this point that seems impossible. I cannot conjure up even one reminiscence without crying over the tragic loss that has befallen us, her friends, and the many others Malki surely would have helped had she been allowed to live out her life to its full course.



Malki playing her flute. She was a student of both the recorder and flute and had taught herself to play the guitar.

In the depths of despair during the week of mourning—the *Shiva*—for Malki Chana Roth, our adored 15-year-old daughter, my wife Frimet and I, with our other children, decided that the best way to commemorate the beauty of her life was to establish a charitable fund in Malki's name.

Beyond remembering the tragically short life of a beautiful, loving, caring person, *Keren Malki* (The Malki Foundation) is now beginning to address the needs of families throughout Israel who have children with disabilities and special healthcare needs. Since we ourselves are a family with a child who has a profound disability, we have a very clear sense of what a challenge this can be.

Jerusalem is blessed with many institutions and charities, and for some, a residence is a complete solution. But for a family like ours, which chooses to care for our child at home, there are limited options, none of them very satisfactory. Our experience has been that the health and education systems discourage families from keeping their children with disabilities at home. For those, like us, who believe there is no better place for a child with serious problems than home, this makes an already heavy load even heavier.

Israeli law states that every child with brain damage is entitled to between three and four hours a week of government-provided therapies (speech, PT, and OT). This is merely a drop

*continued on page 64*





Malia (L.) with her beloved little sister, Haya.

*continued from page 63*

in the bucket relative to the need.

The government and the health funds only support these services if they are provided at an institution. The Catch-22 is that therapists are woefully underpaid and in short supply, and institutional budgets are tight, so the institutions rarely have the staff or the financial resources to deliver these critically important services.

The goals of *Keren Malki* are to improve the quality of life for children with severe disabilities and their families through:

- Providing long-term loans of specialized therapy and access equipment for home use. The list includes, among others, specialized

wheelchairs, strollers, bath seats and lifting/lowering equipment.

- Enabling quality physiotherapy and other similar services beyond the levels which institutional budgets now permit, delivered independently of the institutions.

Malia's involvement in the care of her youngest sister, Haya-Elishova, who has severe health problems, sensitized her from a very young age to the requirements of children with special needs. In addition to the help she so willingly gave at home, and whenever her busy school schedule and other obligations permitted, Malki volunteered to work with children with disabilities. The love she felt for them and her unstoppable optimism were expressed in a simple essay she wrote at the age of 11 and which was published as the Children's Page of EP. Last July, a few weeks before her tragic death at the age of 15 in the August 9, 2001, Shatro's bombing in Jerusalem, Malki was a volunteer counselor for a group of teenagers with disabilities at a summer camp.

A Hamas suicide bomber brought Malki's life and her acts of *hesed* (kindness) to an end. Now we're determined that her name and memory will live on. We can't think of a better way to do that than through her foundation. This has been a heartbreaking time for our family. Our prayer is that the work we're starting in Malki's name will help to ensure that her tragic and senseless death does not become simply another statistic. ■■

# Exhibit 30



DEPARTMENT OF STATE  
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA  
**Certification of Birth Abroad**  
of a Citizen of the United States of America



*This is to certify that according to records on file in this Office*


MALKA CHANA ROTH

Sex FEMALE was born at EAST MELBOURNE, VICTORIA, AUSTRALIA  
on [REDACTED] 1985 Report of birth recorded on JUNE 14, 1988

*In Witness Whereof, I have hereunto subscribed my name and affixed the seal of the Consular Service of the United States of America at* MELBOURNE, VICTORIA, AUSTRALIA

this 14TH day of JUNE 1988

(SEAL)

  
CARMAN C. WILLIAMS  
CONSUL of the United States of America

WARNING: This certificate is not valid if it has been altered in any way whatsoever or if it does not bear the raised seal of the office of issuance.



# Exhibit 31

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ARNOLD ROTH, et al. )  
 )  
 v. ) Civil Action No.: 1:11-cv-0137(RCL)  
 )  
 ISLAMIC REPUBLIC OF IRAN, et al. )  
 )  
 \_\_\_\_\_ )

**DECLARATION OF FRIMET ROTH**

I, FRIMET ROTH, under penalty of perjury under the laws of the United States of America, declare upon personal knowledge that:

1. I am an adult of sound mind, over twenty-one (21) years of age and make this statement under penalty of perjury based on my own personal knowledge.
2. I was born on [REDACTED], 1954 in the United States.
3. I am a citizen of the United States and Israel. A copy of my United States passport is attached as Exhibit A.
4. My family and I are very private people. We seek to decrease the possibility of a terror attack like the one at Sbarro Jerusalem happening again, so that other people and families do not have to experience the same tragic loss and indescribable pain our family has suffered.
5. At the time of her death at age 15, Malki was a United States citizen. I serve as the co-Administrator of the Estate of Malka Roth together with my husband Arnold Roth.
6. I live in Jerusalem, Israel with my husband Arnold Roth. We have six remaining children who also live in Jerusalem, Israel.
7. I am the natural mother of Malka Roth. Malki (that is the name by which I prefer to remember her) died on August 9, 2001 in Jerusalem, Israel after a human bomb, a member of a Hamas gang formed for the purpose of carrying out an act of carnage against

Israeli victims, exploded inside the Sbarro restaurant in central Jerusalem at about 2 o'clock in the afternoon. Malki and her best friend, Michal Raziel, had stopped there for lunch on their way to a youth group activity. The girls were two of fifteen people, most of them children, murdered there that day. Their deaths were a direct and proximate result of the bombing at Sbarro.

8. I heard of the explosion at the Sbarro pizza shop via a news bulletin on a CNN news alert a few minutes after it happened on Thursday August 9, 2001. There were problems getting through because the cell phone network, during that period, was prone to overloading at times of national emergency and major terror attacks. My first concern was three of my children who I knew were out on the streets of Jerusalem. Two of them had gone shopping together without a cell phone so I worried about them first and foremost. But they returned home a half hour after the bombing. I hugged them tightly and presumed my worries were over. I then resumed trying to reach Malki on her phone – I had begun doing that immediately upon hearing about the bombing. I called her phone repeatedly, over and again, and became increasingly anxious and paralyzed with the fear that she was somehow affected by the nightmarish events that had been announced on the news. I called my husband and asked him to come home and be with our youngest daughter who is severely retarded and disabled. He said he would come home immediately. My family was assuring me that phone lines were still down and I knew that Malki had told me she'd be switching buses in the city center and proceeding to the Jerusalem suburb of Talpote where her youth group activity was taking place. She did not intend to linger in the city. One of my sons, Shaya, was released from his army base that day and I went to pick him up from the central bus station at about 3pm. He also tried to calm me down with the assurance that phone service was still affected. But by then I had heard from some friends of Malki's that she had not attended the meeting in Talpote. My fears were intensifying. Soon after Shaya and I returned, Avivah Raziel,



Michal's mother, called to say that she had not heard from Michal either which raised my alarm since Michal and Malki had left our neighborhood for the city center together. Avivah and I arranged to go to Shaarei Zedek Medical Center in her car to search for our daughters and Shaya accompanied us. Shortly before arriving there, she received a call from one of her daughters who said that a friend of Malki and Michal had just notified the family that he had received an SMS from Michal just minutes prior to the bombing. In it, had Michal told him that she and Malki were going to Sbarro. At that point, I knew that the worst had happened and broke down banging on the car window and crying. Avivah's sister is and was at the time a surgical nurse at the hospital and they went off together to look for Michal. Upon arrival, after explaining to a nurse why I was there, I was whisked away by the social worker into her office. There she handed me a phone with somebody from the forensic lab, Abu Kabir, on the line who asked me for a detailed description of Malki and her clothes. He told me there was nobody there who fit her description. The experience was horrible. After learning that Malki was nowhere to be found in the hospital, Shaya and I took a taxi cab home. Together with all the other members of my family, and a handful of neighbors, we then sat in the living room. I remember moaning uncontrollably while I held my disabled child in my lap. I tried to read Psalms as others did, but found it difficult to focus. Our neighbor, a pulmonary specialist, thought that I was hyperventilating and instructed me to take deep breaths. I told him I was moaning. He also attempted to calm me by suggesting that Malki was probably wandering the streets shocked and dazed and that he knew of such cases. I rejected any attempt at optimism because by 7 o'clock in the evening we knew that Michal was named among those killed. I was certain that Malki was gone. Around midnight my husband went off to another hospital, Hadassah Ein Kerem, after we had gotten a sign that there might be something there connected to Malki. Our expectations were already desperately negative once we learned that Michal was among those killed. After about an hour, my husband came home from Hadassah

without any news to report other than that he had found nothing. Our two oldest sons, Pinchas and Shaya, then traveled to the government's pathology lab in Yafo, Abu Kabir, accompanied by someone from the social work team at Hadassah.

9. In the early hours of Friday morning, about 2 o'clock, a phone call came in from our sons. My husband took it, and I could see from his reaction that the news was the very worst imaginable. The trauma of the evening and night leading up to that moment and then of the hours immediately after are impossible for me to describe. They will never leave me. They changed my life forever.

10. Since Malki's murder, I have found it very difficult to discuss the emotional impact and effect her death has had on me. I often write, and very occasionally speak publicly, mainly in connection with the anniversary of her death or in relation to the actual or threatened release of terrorists as part of this or another political deal. The pain I feel has never left me for a moment. I try to explain why this is, but I have found that people who have not gone through an experience as horrific as mine can never understand.

11. Several days after the end of the traditional seven days of mourning after Malki's murder, the *shiva*, I met an acquaintance who told me that she had lost an adult daughter to an illness 13 years earlier. She assured me that, given time, I will find myself smiling at memories of my child. At the time, I felt certain that I would never feel that way about Malki. Now, thirteen years after her murder, I still cannot even visualize her, look at her photograph, touch a possession of hers, read her writing, see her friends, without feeling anguish. The pain is so intense that in order to function, to plod ahead with life, I am often obliged to suppress my memories of her.

12. Just to see Malki walk through the front door after her school-day would cause my heart to skip a beat. Just to walk beside her, arm in arm as we were wont to, was a treat. When I had occasion to wake her from sleep, I would first just admire her beautiful, sweet

face and stroke her thick, silky hair. Watching her play the flute at recitals, her entire body swaying to the music, her face serene, her music sublime, invariably reduced me to tears.

13. Her devotion to her disabled sister Haya was beyond all our expectations. She was simply drawn to her - as she was to other children with disabilities - and, of her own volition, helped me care for her at every turn.

14. So much of what she did as a young teen now strikes me as far more phenomenal than it did at the time.

15. Notwithstanding her exceptional sensitivity and maturity, Malki was a normal, very sociable teenager - out of the house most evenings with her friends.

16. Writing these words about her was wrenching. I forced myself to do it because I feel that most people do not realize how persistent is the torment of losing a child - in particular to cold-blooded murder.

17. Our ordeal has been exacerbated by an unprecedented turn of events: the release of Malki's murderer by our own government, extorted by the terrorist organization Hamas. Since then we have been forced us to witness the widely- publicized happiness, glory and freedom to incite that this unrepentant monster now enjoys.

18. The injustice done to our child's memory gnaws at me relentlessly every minute of every day.

I, Frimet Roth, declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on this the 4<sup>th</sup> day of September 2014.

F. Roth  
Frimet Roth



